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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KRISTINE J. LUCIUS, *Chief Counsel and Staff Director*
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October 21, 2014

The Honorable Eric Holder Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20001

Dear Attorney General Holder:

I am greatly concerned by recent reports that the Drug Enforcement Administration used the identity of an unsuspecting young woman to create a public Facebook profile to interact with suspected drug traffickers. This extraordinary tactic placed this woman and her family at risk, and I expect the Justice Department to reconsider the use of such techniques.

Court filings indicate that the young woman pleaded guilty in 2011 to conspiracy to possess with intent to distribute narcotics, for her role in her boyfriend's drug trafficking ring. She was sentenced to a term of weekend and home confinement followed by probation, which she successfully completed in March of this year. During the initial investigation, she reportedly granted officers access to her cell phone and agreed to cooperate with law enforcement. This level of consent should in no way be viewed as permission for Federal agents to use the contents of her cell phone to publicly interact with suspected criminals under her name. This exploitation put her and the minor children in her photographs at risk without their knowledge.

Viewers of the fake profile, which was only removed from Facebook this month, could believe the woman was currently involved with illicit activities or was actively cooperating with a law enforcement investigation. The DEA agent's decision to post suggestive photographs of the woman as well as pictures of her young child and niece is appalling and placed them at even greater risk.

I understand that cooperating defendants often provide critical assistance to criminal investigations. However, the decision to cooperate and the nature of that cooperation is a decision to be made by the defendant and the defendant alone. Law enforcement agencies should not risk the safety of innocents or those who are serving their debt to society without their knowledge or consent. Although the Justice Department has indicated that this incident is under review, the U.S. Attorney's Office for the Northern District of New York has thus far defended the practice. I hope the Justice Department will agree that creating an online profile using an unsuspecting person's identity to communicate with criminals is unethical, potentially dangerous, and should not be condoned by our nation's law enforcement agencies.

The Honorable Eric Holder, Jr.
October 21, 2014
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Sincerely,

A handwritten signature in blue ink that reads "Patrick Leahy". The signature is fluid and cursive, with the first name "Patrick" and last name "Leahy" clearly distinguishable. It is positioned above a horizontal line.

PATRICK LEAHY
Chairman